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August 28, 2020

VIA ECF

Hon. Ona T. Wang, United States Magistrate Judge
United States Courthouse, Southern District of New York
500 Pearl Street
New York, NY 10007-1312

MEMO ENDORSED

RE: Great American Insurance Company v. Regen, Benz
& MacKenzie, CPAs PC, Civ No.: 1:19-cv-02592 (GBD)(OTW)
Our File No.: 3569.10

Dear Judge Wang:

The parties write jointly to advise the Court that they have continued to discuss whether and to what extent settlement of either or both the underlying state court action and this declaratory judgment action may be possible. We understand from our discussions with defense counsel for Regen Benz in the underlying action, that counsel for the plaintiff, Ms. Lemle, has confirmed his and his client's consent to proceeding before Your Honor for a Settlement Conference in connection with both cases. The parties would therefore like to further discuss this issue with the Court at Your Honor's earliest convenience.

Since our last status report, the depositions of the experts retained by Regen Benz have been completed and the expert depositions of plaintiff's experts are scheduled to start next week and be completed by September 11, 2020. In light of the development with regard to possible settlement, the parties would like to explore the potential for settlement without incurring the fees and expenses associated with the completion of expert deposition, drafting of summary judgment motions, and the preparation of a joint pre-trial order, all of which are presently court ordered. Thus, we propose to push off those remaining depositions and deadlines to explore settlement – ideally with the Court's assistance.

Accordingly, the parties jointly request that a telephone conference be set with Your Honor so that we may discuss the logistics associated with a Settlement Conference particularly in light of the challenges which the ongoing Pandemic continue to present.

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The parties believe that there is good cause to extend the discovery schedule currently set by Your Honor's July 8, 2020 Amended Scheduling Order:

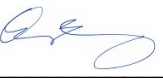
	<u>Current:</u>
All Discovery Shall Be Completed By	9/14/2020
All Expert Depositions Completed By	9/11/2020
Post Discovery Status Conference To Be Held	9/17/20 at 11:00 am
Dispositive motions are to be served by	10/19/2020 ¹
The Joint Pretrial Order shall be filed no later than	11/19/2020 ²
 A final pretrial conference will be held:	 TBD by Court
The parties shall be ready for trial within 48 hours' notice, beginning on or after:	1/4/2021

Rather than setting concrete dates, the parties request that the deadline for completion of expert depositions be set for three weeks following the to-be-scheduled Settlement Conference. The other dates would also be extended consistent with the same time frames set forth above following the establishment of a new date for the completion of expert discovery. Of course, if the settlement negotiations are fruitful, there will be no need to set new dates or proceed with the litigation.

The parties jointly request that Your Honor grant this request. A revised scheduling order with definitive dates will then follow once the Settlement Conference is scheduled. Alternatively, counsel are available for a telephone or video conference to discuss these issues and scheduling in more detail.

We note that the parties have previously requested and been granted extensions of the discovery schedule on several occasions prior to this request.

We look forward to hearing further from Your Honor on the above requests.

Applications granted. Parties are directed to appear for a pre-settlement call on **Sept. 16, 2020 at 11:00 am**. Chambers will email instructions for the call. The Clerk of Court is directed to close ECF 55.S.O
ORDERED. 

Ona T. Wang Aug. 28, 2020
U.S.M.J.

Respectfully,

/s/ Kenneth M. Labbate
Kenneth M. Labbate

¹ Answering papers are to be served within 14 days. Reply papers are to be served within seven (7) days.

² In the event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be changed from that shown herein to three (3) weeks from the decision on the motion. The final pretrial conference shall be adjourned to a date four (4) weeks from the decision on the motion.